

**RECEIVED
CENTRAL FAX CENTER**

AUG 09 2005

**LAW OFFICES
STAAS & HALSEY LLP**

Telephone
(202) 434-1500

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20001

Facsimile
(202) 434-1501

FACSIMILE TRANSMISSION

August 9, 2005

TO: U.S. PATENT AND TRADEMARK OFFICE

ATTN: Examiner Hung Q. Pham

FAX NO.: 571-273-8300 TELEPHONE:

FROM: Stephen T. Boughner

RE: NOTICE OF APPEAL WITH TWO MONTH OF EXTENSION OF TIME

SERIAL NO.: 09/825,403 OUR DOCKET: 10003507-2 (1673.1039)

NO. OF PAGES (Including this Cover Sheet) 2

PRIVILEGED & CONFIDENTIAL

The information contained in this communication is confidential, may be attorney-client privileged, and is intended only for the use of the addressee(s). Unauthorized use, disclosure or copying is strictly prohibited. If there are any problems with this transmission, please contact us immediately.

COMMENTS:

**RECEIVED
OICE/IAP
AUG 10 2005**

AGILENT TECHNOLOGIES, INC.
Legal Department, DL428
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

Connect

ATTORNEY DOCKET NO.10003507-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kenneth W. Shrum, et al

Serial No.: 09/825,403

Examiner: Hung Q. Pham

Filing Date: April 3, 2001

Group Art Unit: 2172

Title: INTERNET SERVER SYSTEM TEST AND MEASUREMENT

**RECEIVED
CENTRAL FAX CENTER**

AUG 09 2005

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, March 10, 2005, rejecting the following claims

The fee for this Notice of Appeal (37 CFR 1.17(b)) is \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☒ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

| | | |
|-------------------------------------|--------------|-----------|
| <input type="checkbox"/> | one month | \$ 120.00 |
| <input checked="" type="checkbox"/> | two months | \$ 450.00 |
| <input type="checkbox"/> | three months | \$1020.00 |
| <input type="checkbox"/> | four months | \$1590.00 |

☐ The extension fee has already been filed in this application.

☐ (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 50-1078 the sum of 950 At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

A duplicate copy of this transmittal letter is enclosed.

☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: OR

☐ I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile:

Typed Name:

Signature: _____

Respectfully submitted,

Kenneth W. Shrum, et al.

By


Stephen T. Boughner
Attorney/Agent for Applicant(s)

Reg. No.45,317

Date: August 9, 2005

Telephone No. 202-434-1500

08/10/2005 NGUYEN1 00000018 501078 09825403

01 FC:1401 500.00 DA

08/10/2005 NGUYEN1 00000018 501078 09825403

02 FC:1252 450.00 DA